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Use this sheet when filing CPA

Appln. No: 09/412,362	Atty: Paul T. Bowen/jck
First Inventor: JENDICK	Date: December 27, 2001
METHOD AND APPARATUS FOR MANUFACTURING MARKED ARTICLES TO BE INCLUDED IN CANS	Matter No: 256642
	Client No: 9521

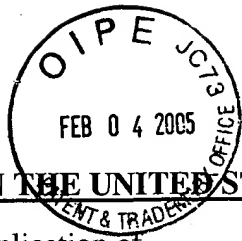
ENCLOSED:

- ☐ Response/Amendment ☐ Appendix ☐ Cover Sheet ☐ Cited/Listed Documents
- ☐ Completion Request for R 53(f)/PCT Nat
- # No. of Pages Abstract
- # No. of Pages Spec and Claims
- # No. of Numbered Claims Only
- # No. of Sheets of Drawings (Figs)
- ☐ 1 Set Formal ☐ 1 Set Informal ☐ Cover Letter
- ☐ Declaration ☐ # of pages
- ☐ Assignment ☐ Cover Sheet
- ☐ Small Entity Declaration
- ☐ Extension Petition (PAT-111)
- # ☐ No. of Priority Documents
- ☒ IDS Letter ☐ Cited Appln(s) ☐ Foreign Sch Rep/OA
- ☒ PTO-1449 ☒ Cited Documents
- ☐ Issue Fee Transmittal Form PTOL-85(b) + (c)
- \$ Fee (Check)

OTHER:

Current DUE DATE:

(Submit Single Copy Only)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JENDICK

Atty. Ref.: 4401-4

Serial No. 09/412,362

TC/A.U.: 3721

Filed: October 5, 1999

Examiner: L. Huynh

For: METHOD AND APPARATUS FOR MANUFACTURING
MARKED ARTICLES TO BE INCLUDED IN CANS

* * * * *

February 4, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

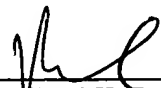
**REQUEST FOR CONSIDERATION OF
REFERENCE CITED**

Applicant requests consideration of the reference cited on Form PTO-1449 filed December 27, 2001, and an indication of such consideration by returning a copy of Form PTO-1449, initialed by the Examiner, to Applicant's undersigned representative. A copy of the Information Disclosure Statement, Form PTO-1449 and date stamped receipt for same is attached for the Examiner's convenience.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

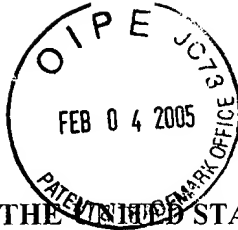

Paul T. Bowen
Reg. No. 38,009

PTB:jck

Attachments:

Information Disclosure Statement
Form PTO-1449
Date Stamped Receipt

1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

JENDICK

Group Art Unit: 3721

Appln. No.: 09/412,362

Examiner: Louis K. Huynh

Filed: October 5, 1999

Atty Dkt 9521/256642

C# M#

Title: METHOD AND APPARATUS FOR
MANUFACTURING MARKED ARTICLES
TO BE INCLUDED IN CANS

December 27, 2001

* * * * *

INFORMATION DISCLOSURE STATEMENT

Attached is Form PTO-1449 listing the enclosed German reference, which is being filed before receiving a first Office Action on the merits.

Contingent Request Under Rule 97(c): Should a first action on the merits have been issued on the same day or before this Information Disclosure Statement is filed, please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite Rule 17(p) fee to our Deposit Account No. 03-3975, under the above Atty Dkt. No. 9521/256642, and proceed to consider this Information Disclosure Statement.

This IDS is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 are earnestly solicited along with an early action on the merits.

Respectfully submitted,

Pillsbury Winthrop LLP

Paul T. Bowen

Registration No. 38,009

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30250281_1.DOC

IDS-B 12



Atty.
Dkt. No.

M#

Client Ref.

256642

US-2000182

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

Applicant: JENDICK

Appln. No.: 09/412,362

Filing Date: October 5, 1999

Date: December 27, 2001

Page

1

of

1

Examiner: Louis K. Huynh

Group Art Unit: 3721

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR					
	BR					
	CR					
	DR					
	ER					
	FR					
	GR					
	HR					
	IR					
	JR					
	KR					
	LR					
	MR					
	NR					

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
	OR 44 35 531 A1	04/1995	GERMANY	BERNHARD	x			
	PR							
	QR							
	RR							
	SR							
	TR							
	UR							
	VR							
	WR							
	XR							

OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

YR				
ZR				
AAR				
BBR				
CCR				
DDR				

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if in conformance and not considered. Include copy of this form with next communication to Applicant.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JENDICK

Atty. Ref.: 4401-4

Serial No. 09/412,362

TC/A.U.: 3721

Filed: October 5, 1999

Examiner: L. Huynh

Confirmation No.: 4351

For: METHOD AND APPARATUS FOR MANUFACTURING MARKED
ARTICLES TO BE INCLUDED IN CANS

* * * * *

February 4, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 is information that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. At least one of the boxes below applies to the present application:

1. ☒ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.

a. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(c)

In the event a first Office Action has been mailed prior to filing of the present Information Disclosure Statement and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the

undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

b. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(1)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(1) in that the undersigned hereby states that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

c. ☐ Contingent Request to Treat Under 37 C.F.R. § 1.97(e)(2)

In the event a first Office Action has been mailed prior to the filing of the present Information Disclosure Statement, and the Office Action was mailed more than three months since the filing of the application (for regular applications not including CPAs or RCEs), the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(e)(2) in that the undersigned hereby states that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my

knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1). Contingent Request Under 37 C.F.R. § 1.97(d). In the event a Notice of Allowance or a Final Rejection has been mailed prior to filing this Information Disclosure Statement, the Office is authorized to treat this as a submission under 37 C.F.R. 1.97(d) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

a.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this

Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

c. ☐ Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(p).

3. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee 37 C.F.R. § 1.97(d). It is hereby requested that the Information Disclosure Statement be considered. Attached is our check in the amount of \$ in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

a.1. ☐ Patent Term Adjustment

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☐ The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report or official action is attached for the Examiner's information. See MPEP § 609.

a. ☐ U.S. Patent No. _____ is indicated in the foreign search report or Official Action as being in the same patent family and/or the English-language equivalent of _____ listed on the attached foreign search report.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

8. ☒ Various materials are attached hereto as Appendices A-H, each of which is listed on the Form PTO-1449 and described in the attached Table of Contents. Applicant reserves the right to later challenge the publication status and/or date of publication of each listed document, in the event the Patent Office considers the information relevant.

9. ☐ The publication date of at least one document is listed on the attached PTO-1449 based on information presently available to the undersigned. However, each listed publication date should not be construed as an admission that the information was actually published on the date indicated, and the right to challenge each listed publication date is expressly reserved by Applicant(s).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.


JENDICK
Serial No. 09/412,362

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4401-4.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Paul T. Bowen
Reg. No. 38,009

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1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
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Facsimile: (703) 816-4100

INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

SERIAL NO.

4401-4

09/412,362

APPLICANT

JENDICK

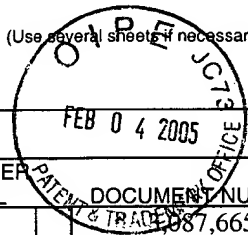
FILING DATE

TC/A.U.

October 5, 1999

3721

(Use several sheets if necessary)



U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,704,614	04/1963	THOMAS			
	3,704,614	12/1972	KEYSER			
	3,858,122	12/1974	ANGELBECK et al.			
	3,866,398	02/1975	VERNON JR., et al.			
	4,517,638	05/1985	PROVISOR et al.			
	4,940,880	07/1990	KLINGEL et al.			
	5,359,176	10/1994	BALLIET, JR. et al.			
	5,813,782	09/1998	MASON			
	5,863,017	01/1999	LARSON et al.			
	5,906,760	05/1999	ROBB et al.			
	6,111,907	08/2000	OZARSKI			
	6,140,606	10/2000	HEIKILLA et al.			
	6,202,880	03/2001	STRUBE et al.			
	6,326,586	12/2001	HEYERICK et al.			
	6,373,876	04/2002	DULANEY et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
DE 198 40 934 A1	3/2000	GERMANY			ABSTRACT
WO 93/08541	04/1993	PCT			
2-20684	01/1990	JAPAN			ABSTRACT
9-192870	07/1997	JAPAN			ABSTRACT
9-208095	08/1997	JAPAN			ABSTRACT
10-113786	05/1998	JAPAN			ABSTRACT
11-216589	08/1999	JAPAN			ABSTRACT

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

A	Materials From November 1996 Licensee Conference Presentation by Ball Co. – showing a modified tab not standard in the industry
B	Materials Presented by Ball Co. to PLM AB Beverage Can Division May 29, 1997
C	Materials Presented by Ball Co. to PLM AB 9-10 September 1997
D	Materials From November 1997 Licensee Conference Held in Australia-Presentation by Ball Co.
E	December 1997 Correspondence Establishing Sale by Ball Co. to PLM AB of can ends having laser engraved tabs
F	July 17, 1997 Letter from Ball Co. to Coca-Cola regarding laser jet equipment – PLM AB is copied on Letter
G	Information Disclosure Statement from Ball Co.'s U.S. Serial No. 09/564,429 dated October 16, 2000
H	PLM AB's U.S. Serial No. 08/069,200 filed April 29, 1998

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

**INFORMATION DISCLOSURE
CITATION**

ATTY. DOCKET NO.

SERIAL NO.

4401-4

09/412,362

APPLICANT

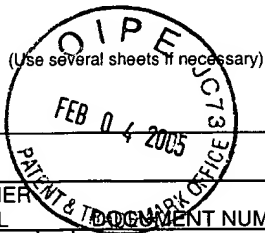
JENDICK

FILING DATE

TC/A.U.

October 5, 1999

3721


U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,476,349	11/2002	JENDICK			
	6,479,787	11/2002	JENDICK			
	6,489,985	12/2002	BRODSKY et al.			

FOREIGN PATENT DOCUMENTS

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
11-6086	1/1999	JAPAN			ABSTRACT
11-58050	03/1999	JAPAN			ABSTRACT
11-216589	08/1999	JAPAN			ABSTRACT

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	Machine Translation of JP-53099 to Komatsu from Japanese Patent Office website.

*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.